

REMARKS

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application. Applicant notes that the obviousness rejections of claims 1-33 presented in the prior Office Action have been withdrawn in light of the Preliminary Amendment filed on 29 September 2009, which included the Declaration Under 37 C.F.R. § 1.132 of Dr. Stephen G. Wilson.

Claim 21 has been cancelled without prejudice or disclaimer.

Each of claims 1, 4, 14, 15, 22, 23, 24, and 34 has been amended for at least one reason unrelated to patentability, including at least one of to: improve consistency; satisfy stylistic preference; address an informality; explicitly present one or more elements, limitations, phrases, terms, and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; detect infringement more easily; enlarge the scope of infringement; cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; enlarge the royalty base of the claim; cover a particular product or person in the marketplace; and/or target the claim to a particular industry and/or field of use.

Descriptive support for the amendment to each of claims 1, 4, 14, 15, 22, 23, 24, and 34 can be found in the originally-filed application at least at paragraphs 13, 14, 20, 21, 61, 65, 101, and/or claim 21.

Claims 1-20 and 22-34 are now pending in this application. Each of claims 1, 14, 15, and 34 is in independent form.

The Obviousness Rejections

The second full paragraph of the page labeled 2 through the page labeled 10 of the present Office Action rejects each of claims 1-34 under 35 U.S.C. 103(a) as being obvious over various combinations of U.S. Patent 6,158,655 (“DeVries”), U.S. Patent 6,484,260 (“Scott”), U.S. Patent Application Publication 2003/0220835 (“Barnes”, and/or U.S. Patent 5,819,234 (“Slavin”).

Without acquiescing to the present Office Action's position or the relevance of the cited references, each of these rejections is respectfully traversed in its entirety as moot in light of the current amendment to the corresponding claim.

In particular, the cited combination does not teach or enable a "central processor adapted to, responsive to an automatic determination that the proposed financial transaction exceeds a predetermined amount, reject the proposed financial transaction" or "responsive to an automatic determination that the proposed financial transaction exceeds a predetermined amount, automatically transmitting a rejection of the proposed financial transaction".

Consequently, reconsideration and withdrawal of these rejections is respectfully requested.

To the extent the Office plans to rely on any combination involving Slavin to reject any current claim of the application such a rejection would lack a factual basis, because, as explained in the Declaration of Dr. Stephen G. Wilson, filed 29 September 2009:

- 1) A person having ordinary skill in the art would have found that each of independent claims 1, 14, 15, and 34, from one of which each of claims 2-13 and 16-33 depends, is directed to "approval of a proposed financial transaction", and recites, among other things,
 - receiv[ing] "a signal" or "information" "from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle";
 - the "signal" or "information" "transmitted" or "provided from the wireless transmitter" "responsive to a predetermined input from a user";
 - the "signal" or "information" "requesting approval of a proposed financial transaction"; and
 - caus[ing] "information associated with the approval of the proposed financial transaction" "to be rendered to the user via a user interface" (emphasis added).
- 2) A person having ordinary skill in the art would have found that Slavin explains that "[t]he above and other objects of the invention are realized through the provision of the aforementioned sealed transponder kit and the operation thereof

in conjunction with the 10 existing E-ZPass centralized computer system” (see col. 4, lines 7-11).

- 3) A person having ordinary skill in the art would have found that Slavin explains that “[t]he heart of the E-ZPass system resides in technically unsophisticated transponders, carried in vehicles, which permit themselves to be interrogated by signals produced at 35 the toll plazas and which respond to those signals by transmitting a unique “tag number” identifying the transponder. This tag number is then associated with a pre-authorized account number in the central computer which reflects a prepaid dollar balance against which the toll is charged.” (see col. 1, lines 33-40).
- 4) A person having ordinary skill in the art would have found that another cited reference, Hassett, explains that such “tags lack a processor or user interface” (see Hassett, col. 2, lines 10-11).
- 5) Consequently, a person having ordinary skill in the art would not have found that Slavin teaches receiv[ing] “a signal” or “information” “from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle”, the “signal” or “information” “requesting approval of a proposed financial transaction” and “transmitted” or “provided from the wireless transmitter” **“responsive to a predetermined input from a user”**, and/or caus[ing] “information associated with the approval of the proposed financial transaction” “to be rendered to the user via a user interface”.
- 6) Moreover, a person having ordinary skill in the art would have found that modifying Slavin to provide a “signal” or “information” **“responsive to a predetermined input from a user”** and/or caus[ing] “information associated with the approval of the proposed financial transaction” “to be rendered to the user via a user interface” would have changed the principle of operation of Slavin, rendered it inoperative, and/or rendered it unfit for its intended use, thereby discouraging that person from attempting the modification.

CONCLUSION

It is respectfully submitted that the application is in clear condition for allowance. Reconsideration of the application, withdrawal of all grounds of objection and rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Date: 21 June 2010

Respectfully submitted,

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